

Entered -11/08/99 - sb
CL99L0700 - DIANNE C. MITCHELL

CLAIM OF: DESDOMONA WOODRUFF,
through her attorney
Thomas F. Cuffie
3080 Campbellton Road, SW
Atlanta, Georgia 30311-5410

For damages alleged to have been sustained as a result of the
drowning death of claimant's minor child on June 19, 1999 at 1835
Henry Thomas Drive.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell by RNC/DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL DEC 04 2000

ADVERSE REPORT
Public Safety
11/28/00
C. T. Martin
[Signature]
[Signature]

CERTIFIED
DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
DEC 04 2000
Randy D. Johnson
MUNICIPAL CLERK



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

December 12, 2000

Thomas F. Cuffie
Attorney at Law
3080 Campbellton Rd., SW
Atlanta, GA 30311-5410

00-R-1929

RE: Desdomona Woodruff

Dear Attorney Cuffie:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 4, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0700

Date: November 13, 2000

Claimant /Victim DESDEMONA WOODRUFF
BY: (Atty) Thomas F. Cuffie
Address: 3080 Campbellton Road, SW, Atlanta, Georgia 30311-5410
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 10/22/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/19/99 Place: 1835 Henry Thomas Drive
Department PRCA Division: Recreation
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her minor child drowned while at the Thomasville Pool. The investigation determined that there was no negligence on the part of the City in causing the death of the claimant's child. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others X Written Oral X
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 11-14-00
Committee Action: Council Action

CUFFIE & ASSOCIATES, P.C.

ATTORNEYS AT LAW

3080 CAMPBELLTON ROAD, S.W.
ATLANTA, GEORGIA 30311-5410
TELEPHONE 404-344-4242
FAX 404-349-4229

Mitchell
10/26/99

RECEIVED

OCT 22

October 21, 1999

CERTIFIED MAIL P 154 564 290

ENTERED - 11-8-99 - SB

99L0700 - DIANNE MITCHELL

The Mayor and Atlanta City Council Members
c/o Ms. Rhonda Johnson, Municipal Clerk
55 Trinity Avenue
Atlanta, Georgia 30335

Re: Ante Litem Notice for the June 19, 1999 Drowning of Daniquia Woodruff

Dear Mayor Campbell and Members of the Atlanta City Council:


Pursuant to O.C.G.A. § 36-33-5, please allow this letter to serve as formal ante litem notice that Ms. Desdemona Woodruff is hereby asserting a claim against the City of Atlanta, and certain officials, for the injury/wrongful death of her eight (8) year old daughter, Daniquia Woodruff. On June 19, 1999, at approximately 5:45 p.m., Daniquia died by drowning at the City of Atlanta South Bend Pool, located at 2000 Lakewood Avenue within the City of Atlanta - a public pool owned, maintained, and under the control of the City of Atlanta. The law firm of Cuffie & Associates, P.C., has been retained to represent Ms. Woodruff.

The injury/death of Daniquia Woodruff was caused by the conditions at the South Bend pool amounting to a nuisance; by the negligent actions of employees of the Department of Parks and Recreation; and by the negligence of various officials of the City of Atlanta, who allowed such nuisance to exist. The lack of clarity of water in the pool, the lack of training for those personnel entrusted with the safety of swimmers, and the noise generated by pool equipment, or infrastructure, were among the conditions responsible for the drowning of this child.

This notice is given in accordance with O.C.G.A. § 36-33-5. By statute, you have 30 days to address this matter before a suit may be filed. Please let us know the posture you wish to take.

Very truly yours,

CUFFIE & ASSOCIATES, P.C.


Thomas F. Cuffie, Esq.

cc: Ms. Desdemona Woodruff
Atlanta City Council Members (16)

00-R-1929

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself.